

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

V.

11.406 ACRES OF LAND, more or less,
situate in STARR COUNTY, STATE
OF TEXAS; FELIX LUERA RANCH, LTD,
ET AL

Defendants.

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CASE NO. 7:20-CV-00357

**DEFENDANT FELIX LUERA RANCH, LTD'S BRIEF
REGARDING TITLE OF TRACTS RGV-RGC-1015, 1016, and 1018**

Defendant Felix Luera Ranch, Ltd. (“Defendant”) submits the following brief regarding title and ownership of the subject property, herein identified as Tracts RGV-RGC-1015, 1016, and 1018.

I. BACKGROUND

1. On October 1, 2021, the Plaintiff United States (“Government” or “USA”) filed its Amicus Brief Regarding Title to Tracts RGV-RGC-1015, 1016, and 1018 (USA’s Brief). (Dkt. 32)

2. Attached to the USA's Brief was Yolanda L. Barrera's Affidavit of Heirship, Ownership, and Adverse Possession. (Dkt. 32. Ex. 17) Barrera is a limited partner of Felix Luera Ranch, Ltd. and has personal knowledge of the ownership of the tracts in question. Ms. Barrera is the daughter of Felix Luera and has lived on the property most of her life. As set forth in her Affidavit, Felix Barrera Ranch, Ltd. owns the whole parcels in

question by virtue of the Deeds referenced therein and in the USA's Brief and/or through adverse possession.

3. The Deeds attached to the Barrera Affidavit confirm Felix Luera Ranch Ltd.'s record title ownership of the following property from which the acquisitions for RGV-RGC-1015, 1016, and 1018 were taken:

RGV-RGC-1015

All of Share No. 7-A, principally out of Porcion 59, Abstract 326 and partially out of Porcion 60, Mier Jurisdiction which is now Starr County, Texas which was partitioned to Geronimo Hinojosa in that Final Decree of Partition in Cause No. 1674 in the District Court of Starr County, Texas, a true copy of which Decree is recorded in Volume 75, pp 212, et seq. of the Deed Records of Starr County, Texas, originally thought to consist of 68.05 acres, but upon resurvey, found to contain **73.5 acres**, herein referred to as "the **73.5-acre tract**"

RGV-RGC-1016

Three separate tracts of land, each containing 3.4287 acres, aggregating to **10.2861 acres**, out of Share 10 of the Partition of Porcion 59, Ancient Jurisdiction of Mier, Mexico, now Starr County, Texas as per Cause 1674, District Court of said Starr County, Texas which three (3) tracts of land are described separately on Exhibit No. "1", Page 1, Page 2, and Page 3, attached to that certain Deed of Gift dated March 22, 2001 executed by Felix Luera, aka Felix Loera and aka Felix Luera Rodriguez and aka Felix Loera Rodriguez, widower of Inez P. Luera, as Grantor, unto Grantors of this Deed, which was filed of record under File No. 214732 and recorded in Volume 892, p 629-634, of the Official Public records of Real Property of Starr County, Texas, with reference being here made to said March 22, 2001 Deed and exhibits attached thereto to fully describe said three (3) separate tracts of land aggregating the 10.2861 acres conveyed by this Deed unto Felix Luera Ranch, Ltd. herein referred to as "the **10.2861-acre tract**"

RGV-RGC-1018

127.71 acres of land, lying in and forming a part of Porcion 60 Mier Jurisdiction now Starr County, Texas, which tract is set forth and identified as Tract No. 1 in the Homer Trimble dba Cameron Engineering Company, for Cause No. 3085, District Court of Starr County, Texas to which map reference is made for all purposes. This tract is bounded as follows: on the North by the portion line dividing Porcion No. 59 and 60 Mier Jurisdiction; on the east and South by the possession of Melquiades Gonzalez, et al; and on the South and West by the Rio Grande River. The aforementioned **127.71-acre tract** is the identical 127.71-acre tract of land

conveyed to Grantors by Felix Luera aka Felix Loera and aka Felix Luera Rodriguez and wife, Inez P. Luera by Deed of gift dated April 7, 1999 appearing of record in volume 892, pp. 413-15 of the Official Public Records of Real Property of Starr County, Texas herein referred to as “the **127.71-acre tract**”.

4. Further, in accordance with Barrera’s Affidavit, Felix Luera Ranch, Ltd. has maintained actual physical possession of the above referenced tracts to the exclusion of all others since at least September of 2001. Indeed, since at least September 1, 2001, Felix Luera Ranch, Ltd, has claimed the Property adversely to all others and during such period has used the same continuously and uninterrupted. Its possession of the property has been open, obvious, and notorious in the community.

II. SUPPLEMENTAL INFORMATION AND ARGUMENT PROVIDED BY DEFENDANT

5. In addition, Felix Luera Rodriguez aka Felix Loera Rodriguez aka Felix Luera, Jr. maintained physical possession of the above referenced tracts to the exclusion of all others since at least 1975. Indeed, since at least 1975, Felix Luera Rodriguez claimed the Property adversely to everyone and during such period used the same continuously and uninterrupted. His possession of the property was open, obvious, and notorious in the community.¹

CONCLUSION AND PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant Felix Luera Ranch, Ltd. requests the Court determine that Defendant Felix Luera Ranch, Ltd. owns 100% of the whole parcels from which Tracts RGV-RGC-1015, 1016, and 1018 are taken, and as such,

¹ Yolanda Barrera and her son, Sigifredo Barrera, are prepared to offer testimony in support of these claims.

is entitled to just compensation for the taking of these parcels or revestment of same, together with such other relief to which it may show itself to be justly entitled.²

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1(d), no certificate of conference is required for this Pleading.

/s/ Roy R. Brandys
Roy R. Brandys

² Defendants understand the government has determined the subject properties are to be revested to the landowners. Accordingly, once the title issue is resolved, the properties can be revested and the case dismissed.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Defendant's Brief Regarding Title of Tracts RGV-RGC-1015, 1016, and 1018 was served upon opposing counsel, to-wit:

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by certified mail, return receipt requested, facsimile transmission, E-file submission, and/or hand delivery, pursuant to the Federal Rules of Civil Procedure, on this the 5th day of October, 2021.

/s/ Roy R. Brandys
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